THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 20170 of 2005

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Dated: 13.09.2005

Between:

Srinivasa Laxmi Jada Savarala Industrial Co-op Society Ltd,

Regd No. JND4/59/75, Rep. By the Secretary,
P. Srinivas, Plot No. 56, Savarala Basthi, Srinivasnagar,
Parsigutta, Road, Secunderabad-500061.

..... PETITIONER

AND

The Commissioner, Endowments Department,
Andhra Pradesh,Tilak Road, Hyderabad and another.

… **RESPONDENTS**

ORDER:

The case of the petitioner-society is that the members of it have been involved in collection of Thalaneelalu in Sri Bramaramba Malikarjuna Swamy Temple for the past so many years. While so, the respondents have issued the impugned tender-cum-auction notification dated 02.09.2005 calling for tenders for issuing licence to collect the thalaneelalu. Challenging the same, the present writ petition is filed.

The only contention of the learned counsel for the petitioner is that the impugned notification is contrary to Rule 3(2) of G.O.Ms.No. 780 Revenue (Endowments-VI) dated 04.06.1982.

Rule 3(2) of the said G.O., shows that the public auction shall be held at the place where the properties are situated or rights exist. Even incorporating that if the competent authority is satisfied that in case the holding of auction at a place other than the one in which the properties proposed to be leased are situate, will not be detrimental to secure a proper bid or will be held to secure a better bid or to thwart local collusions among the bidders, permit such auction, but no auction shall be held in a district other than the one in which the property is situate.

In contract matters, the petitioner cannot have any right unless his case is discriminated. There is no arbitrary action on the part of the respondents in holding the auction at Hyderabad. Even assuming for a moment that the auction is held at Hyderabad contrary to Rule 3, it does not confer any right to the petitioner to challenge the same.

The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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13.09.2005

Note: Furnish C.C. in two days.

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